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DATE

13 October 2023

LOCATION

Vienna International
Arbitral Centre

Agenda

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13 October 2023

Welcome coffee and registration

10:00-10:30 CET

∨ **Co-chairs' opening remarks**

10:30-10:40 CET

Alice Fremuth-Wolf, head of Austria & CEE Nivalion AG & Austrian Arbitration Association (Arb|Aut) ArbAut
Niamh Leinwather, secretary general, Vienna International Arbitration Center (VIAC)
Filip Boras, partner, Baker McKenzie & Young Austrian Arbitration Practitioners (YAAP)

∧ **Welcome address**

10:40-10:50 CET

∧ **Keynote address**

10:50-11:20 CET

∨ **Arbitration as part of competition remedies**

11:20-12:35 CET

Since the decision of the European Court of Justice in EcoSwiss, arbitral tribunals are obligated to apply EU competition law as part of public policy ex officio. This has led the European Commission to turn to arbitration to monitor adherence with commitments to secure merger control clearance and settle merger challenges. Still, the

expected boom of arbitrations involving antitrust issues has yet to materialise and the recent decision of the German Supreme Court (BGH) may be a dampener on the role arbitration will play when it comes to the enforcement of antitrust law and other matters of public policy.

This panel will revisit the history and current trends in arbitrating issues of antitrust law. What can be done to increase the attractiveness of arbitration in this domain? How can lessons learned can be leveraged in other areas of public policy?

The panel will discuss:

- The role arbitration has played and can play in the enforcement of antitrust law and other matters of public policy
- The massive global regulatory wave aimed at implementing key public policy goals, such as in particular energy transition, and how arbitration can help preserving the rule of law
- The likely reasons for the relatively low demand for arbitration in matters of antitrust law
- How can arbitration be more attractive for the resolution of matters which turn on antitrust issues or other public policy issues
- The impact of the recent BGH decision not to apply the prohibition of a revision au fond when it comes to issues of EU competition law

Moderator:

Johannes Willheim, partner, Jones Day

Speakers:

Natalie Harsdorf-Borsch, acting director General, Austrian Federal Competition Authority (BWB)

Florian Neumayr, co-managing partner, bpv Hügel

Stefano Trento, senior vice president, Compass Lexecon

Rolf Trittman, partner, rothorn legal

Networking lunch

12:35-13:40 CET

∨ GAR Live What would you do?

13:40-14:55 CET

Our panel of esteemed practitioners will introduce and then discuss intriguing scenarios, loosely based on their own lives, before asking the audience and other panel members to vote on how they would respond – giving the session its title – before outlining their own solution. As well as providing lots of food for thought, these sessions offer the chance to benchmark one's own practice and instincts against a group of peers.

The panellists will address the following questions:

- Do we need a uniform standard for independence and impartiality for experts in international arbitration? How diverging is the approach and how dangerous is it to the integrity of the proceedings?

Moderator:

Lucia Raimanova, partner, Allen & Overy, member of board, Vienna International Arbitral Centre (VIAC)

Panel:

Ioana Knoll-Tudor, partner, Addleshaw Goddard

Catherine Anne Kunz, partner, LALIVE

Senka Mihaj, partner, Mihaj, Ilić & Milanović Law

Noah Rubins KC, partner, Freshfields Bruckhaus Deringer

Coffee break

14:55-15:30 CET

> The GAR Live Debate

15:30-16:45 CET

> Co-chairs' closing remarks

16:45-17:00 CET